

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	CRIMINAL NO. 04-10083-NG
)	
v.	)	VIOLATIONS:
)	
1. EDWIN RODRIGUEZ	)	21 U.S.C. § 846--
AKA "KING CHOLO"	)	Conspiracy To Distribute
	)	Cocaine Base
2. JOSUE RODRIGUEZ	)	21 U.S.C. § 841(a)--
AKA "PERRO"	)	Distribution Of Cocaine
	)	Base
	)	18 U.S.C. § 2--
	)	Aiding and Abetting
)	
	)	21 U.S.C. § 853--
	)	Criminal Forfeiture
	)	Allegation

SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 846--**Conspiracy to Distribute Cocaine Base**)

The Grand Jury charges that:

In or about December 2003, at Lawrence and elsewhere in the District of Massachusetts,

1. EDWIN RODRIGUEZ, AKA "KING CHOLO", and
2. JOSUE RODRIGUEZ, AKA "PERRO"

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other, and with persons unknown to the Grand Jury, to possess with intent to distribute, and to distribute, cocaine base, also known as "crack cocaine," in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further alleges that the conspiracy described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack cocaine," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine Base; 18 U.S.C. §2--Aiding and Abetting))

The Grand Jury further charges that:

On or about December 5, 2003, at Lawrence, in the District of Massachusetts,

1. EDWIN RODRIGUEZ, AKA "KING CHOLO", and
2. JOSUE RODRIGUEZ, AKA "PERRO"

defendants herein, did knowingly and intentionally possess with intent to distribute and did distribute cocaine base, also known as "crack cocaine," a Schedule II controlled substance.

The Grand Jury further alleges that the offense described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack cocaine", a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that:

1. The defendant EDWIN RODRIGUEZ is accountable for at least 5 grams, but less than 20 grams, of cocaine base.

Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

2. The defendant JOSUE RODRIGUEZ is accountable for at least 5 grams, but less than 20 grams, of cocaine base.

Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

3. At the time he committed the offenses charged in this Superseding Indictment, defendant EDWIN RODRIGUEZ was at least eighteen years old and had two or more prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, U.S.S.G. §§ 4B1.1 & 4B1.2 apply to defendant EDWIN RODRIGUEZ.

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 and 2 of this Indictment,

1. **EDWIN RODRIGUEZ, AKA "KING CHOLO", and**
2. **JOSUE RODRIGUEZ, AKA "PERRO"**

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property

described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL



PATRICIA L. KOTSTA
FOREPERSON OF THE GRAND JURY



JOHN A. WORTMANN, JR.
PETER K. LEVITT
ASSISTANT U.S. ATTORNEYS

DISTRICT OF MASSACHUSETTS; September 16, 2004.

Returned into the District Court by the Grand Jurors and
filed.



D.A.B. ROLAND
DEPUTY CLERK

11:45A

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Lawrence Category No. II Investigating Agency FBI

City Lawrence

Related Case Information:

County Essex

Superseding Ind./ Inf. X Case No. 04-01671-NG

Same Defendant New Defendant _____

Magistrate Judge Case Number 04-1671-CBS

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:

Defendant Name JOSUE RODRIGUEZ Juvenile: Yes No

Alias Name PERRO

Address 16 SPRINGFIELD STREET, 1ST FL, LAWRENCE, MA

Birthdate: 1982 SS # 000 00 6985 Sex: MALE Race: Hispanic Nationalit US

Defense Counsel if known: Charles Rankin Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Peter K. Levitt : John A. Wortmann, Jr. Bar Number if applicable 565761 AND 534860

Interpreter: Yes No List language and/or dialect: _____

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date 2/24/04 _____

Already in Federal Custody as of 2/04 _____ in _____.

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty Misdemeanor Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 9/16/04

Signature of AUSA:



District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JOSE RODRIGUEZ AKA PERRO

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>CONSPIRACY DISTRIBUTE COCAINE BASE</u>	<u>1</u> _____
Set 2	<u>21 USC 841(a)</u>	<u>DISTRIBUTION OF COCAINE BASE</u>	<u>2</u> _____
	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Lawrence Category No. II Investigating Agency FBI

City Lawrence

Related Case Information:

County Essex

Superseding Ind./ Inf. X Case No. 04-01671-NG
 Same Defendant New Defendant _____
 Magistrate Judge Case Number 04-1671-CBS
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name EDWIN RODRIGUEZ Juvenile: Yes No

Alias Name KING CHOLO

Address 16 SPRINGFIELD STREET, 1ST FL, LAWRENCE, MA

Birthdate: 1979 SS # 000 00 4207 Sex: MALE Race: Hispanic Nationalit US

Defense Counsel if known: Paul Markham Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Peter K. Levitt ; John A. Wortmann, Jr. Bar Number if applicable 565761 AND 534860

Interpreter: Yes No List language and/or dialect: _____

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date 2/24/04 _____

Already in Federal Custody as of 2/04 _____ in _____.
 Already in State Custody at _____ Serving Sentence Awaiting Trial
 On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 9/16/04

Signature of AUSA:



District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant EDWIN RODRIGUEZ AKA CHOLO

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>CONSPIRACY DISTRIBUTE COCAINE BASE</u>	<u>1</u>
Set 2	<u>21 USC 841(a)</u>	<u>DISTRIBUTION OF COCAINE BASE</u>	<u>2</u>
	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			

